

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LEBLOND et al.

Atty. Ref.: 3665-181; Confirmation No. 5513

Appl. No. 10/581,947

TC/A.U. 1625

Filed: June 6, 2006

Examiner: Seaman

For: TRICYCLIC HYDROXAMATE AND BENZAMIDE DERIVATIVES, COMPOSITIONS
AND METHODS

* * * * *

September 25, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

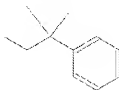
Responsive to the Official Action dated August 26, 2009, the applicants elect, with traverse, the subject matter of the Examiner's Group 13 for further prosecution.

The applicants further elect, with traverse, the compound 4-(2,2-difluoro-2-(1,2,3,4-tetrahydro-1,1,4,4-tetramethylnaphthalen-7-yl)acetamido)-N-hydroxybenzamide (EHT9299; see example 6) as elected species.

Claims 22, 24, 25, 27 to 30, and 32 to 41 read on the elected species.

Reconsideration and withdrawal of the election requirements are requested for at least the following reasons.

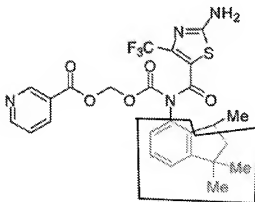
The basis of the alleged lack of unity of invention assertion by the Examiner is that the compounds allegedly share the following common core:



which is described in WO2001/056358 with RN 1168807-04-2

. See page 3 of the Office Action dated August 26, 2009.

The structure of RN 1168807-04-2 is shown below wherein the alleged common core is outlined:



The Examiner is urged to appreciate however that the claims describing the general formula (I) do not read on the compound identified by the Examiner as the cycle having two atoms in common with the phenyl ring is a 5-membered ring. The cycle would be required to be a 6-membered ring in order for the compounds described by formula (I) of the claims to read on the compound noted by the Examiner as X1 represents a carbon, oxygen, nitrogen or sulphur atom.

The presently claimed invention is not anticipated by WO2001/056358 and the subject matter of the Examiner's various Groups relate to a single inventive concept.

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An election of a species should not be required as the Examiner has not established the lack of unity of invention of the subject matter of the claims.

Withdrawal of the lack of unity objection and the species election is requested along with an early and favorable Action on the merits of all of the claimed subject matter.

Respectfully submitted,

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